

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JESS T. LAMMERS,

Plaintiff,

vs.

AG VALLEY COOPERATIVE NON-  
STOCK,

Defendant.

**8:21CV354**

**FINAL PROGRESSION ORDER**

The undersigned magistrate judge held a telephone conference with the parties on October 12, 2021, to discuss Plaintiff's motion to extend the Rule 26(f) Report deadline. (Filing No. 19). The court granted Plaintiff's motion to begin case progression in January 2022, using the dates suggested in the Rule 26(f) Calculator on the court's website.

Accordingly,

IT IS ORDERED that Plaintiff's motion, (Filing No. 19) is granted, the parties need not file a Rule 26(f) report, and the final progression order is as follows:

- 1) The trial and pretrial conference will not be set at this time. A status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **April 26, 2022 at 11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for serving initial mandatory disclosures under Rule 26(a)(1) is January 14, 2022.
- 3) Discovery may begin on January 14, 2022.
- 4) The deadline for moving to amend pleadings or add parties is March 15, 2022.

- 5) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is April 14, 2022. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by April 28, 2022.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 6) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff:	May 16, 2022.
For the defendant:	June 13, 2022.
Plaintiff's rebuttal:	June 27, 2022

- 7) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	June 13, 2022.
For the defendant(s):	July 13, 2022.
Plaintiff(s)' rebuttal:	July 27, 2022.

- 8) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is August 26, 2022. Depositions will be limited as stated in the federal rules.
- 9) The deadline for filing motions to dismiss and motions for summary judgment is September 26, 2022.
- 10) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is September 26, 2022.
- 11) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.

- 12) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 13) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 13th day of October, 2021.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge